



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 199900203

Date: March 14, 2002

Comments Due: April 12, 2002

In reply, please refer to the Public Notice Number

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## TO WHOM IT MAY CONCERN:

**SUBJECT:** Notice of application for a Department of Army Permit under Section 404 of the Clean Water Act, Intent to Prepare an Environmental Impact Statement (EIS) and Notice of Public Scoping Workshops for the University of California at Merced project, as shown on the attached drawings.

**Applicant:** Regents of the University of California, ATTN: Ric Notini, Physical Planning Department, University of California at Merced, 1160 W. Olive Street, Suite E, Merced, California 95348-1959, Telephone: (209) 724-4499, Facsimile: (209) 724-4428

**Project Name:** University of California at Merced (UC Merced)

**Location of Project:** The 2,000-acre project area is situated east of Lake Yosemite and Lake Road, approximately two miles northeast of the City of Merced, in Sections 25, 26, 27, 34, 35, and 36, Township 6 South and Range 14 East, M.D.B.&M., Merced County, California.

**Project Purpose:** The applicant's stated overall project purpose is to establish a major research university in Merced County that would ultimately support 25,000 full-time equivalent students with an associated community needed to support the university.

**Project Need:** Projections by the California Department of Finance and the UC indicate that a new campus is needed to accommodate near-term enrollment demand and long-term enrollment of 25,000 students.

**Name of Waterbodies Affected:** Cottonwood Creek, Le Grand Canal, Fairfield Canal, Yosemite Lateral Canal, and unnamed wetlands, ponds, and creeks.

**Project Description:** The proposed UC Merced is 2,000 acres in size (the "project area"). The project area is comprised of the Main Campus (910 acres), Merced Irrigation District (MID) canals and easements (70 acres), a Campus Land Reserve (340 acres), and a Campus Natural Reserve (750 acres), as shown in the drawings.

The Main Campus would consist of an academic core, student support services, student and faculty housing, campus support, on-campus research facilities, athletic and recreation facilities, and parking. The Campus Land Reserve is located immediately east of, and contiguous with, the Main Campus. The University proposes to reserve this area for future growth. The Campus Natural Reserve borders the Campus Land Reserve to the north and east. This land would be preserved and managed to maintain and enhance its natural environmental functions and values.

The County of Merced is concurrently seeking separate authorization to permit fill activities associated with roadway and utility infrastructure required by the UC (Corps application number 200100570). The infrastructure includes construction of a major north-south arterial road north of Yosemite Avenue, two additional arterial roads and two collector streets, and utility lines within the roadway rights-of-way. The infrastructure would ultimately accommodate an adjacent supporting community. Alternatives to the proposed infrastructure project would be considered as part of the permit process.

Construction of the first phase of the UC Merced Campus is proposed to begin in 2002 on about 110 acres of the existing Merced Hills Golf Course located at the southern end of the Main Campus. Phase I would consist of academic core uses, student housing, campus support uses, athletic and recreation fields, and parking. The applicant has stated that construction of Phase I of the Campus would not involve any placement of dredged or fill material into any waters of the United States, including wetlands.

### **Additional Information:**

**Impacts to Waters of the United States.** Approximately 318 acres of waters of the United States have been delineated within the campus project area as shown in the following table:

SUMMARY OF DELINEATED WATERS OF THE UNITED STATES

Wetland/Water Category	Main Campus	Campus Natural Reserve	Campus Land Reserve	Total
Canals	22.64	0.00	0.00	22.64
Channels	0.00	0.00	0.00	0.00
Clay Playas	1.01	15.45	27.50	43.97
Freshwater Marsh	16.77	0.00	0.00	16.77
Seasonal Wetlands	11.35	49.88	7.94	69.17
Stockponds	0.00	2.20	1.63	3.83
Swales	22.18	11.67	8.87	42.72
Vernal Pools	23.97	27.93	18.67	70.57
Pools/Swales	10.75	28.51	10.38	49.65
<b>Total</b>	<b>108.67</b>	<b>135.64</b>	<b>75.00</b>	<b>319.62</b>

Construction of the Main Campus is expected to result in the loss of all waters of the United States lying within its proposed footprint, with the exception of Fairfield and Le Grande Canals. The direct impacts to waters of the United States that would result from establishment of the University of California at Merced as proposed would be approximately 86 acres. The UC may also conduct limited fill activities of wetlands within the approximately 70 acres of Merced Irrigation District (MID) canals and easements, which traverse the Main Campus. With the exception of minor fill activities required as part of mitigation activities which may be proposed on the Campus Natural Reserve, no direct impacts or losses are anticipated at this time within the Campus Natural Reserve or the Campus Land Reserve.

The applicant has assumed that all wetlands lying within 250 feet of the proposed footprint of the Main Campus could potentially be indirectly impacted. Indirect impacts to some existing and preserved wetlands in the Campus Land Reserve may result from the proposed campus. This zone of potential indirect impacts is shown on the application drawings. No indirect impacts to wetlands within the Campus Natural Reserve are anticipated.

Construction of off-site infrastructure (200100570) would result in the filling of 4.49 acres of wetland. Excavation of the storm water collection system would result in removal of an additional 1.86 acres of wetlands.

**Threatened and Endangered Species.** A Biological Assessment (BA) has been prepared to evaluate impacts to eight Federally threatened or endangered species, as well as one species proposed for listing. Species known to occur within the project area include bald eagle (*Haliaeetus leucocephala*), conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), succulent owl's clover (*Castilleja campestris succulenta*), Colusa grass (*Neostapfa colusa*), and San Joaquin Valley orcutt grass (*Orcuttia inequalis*) and San Joaquin kit fox (*Vulpes macrotis mutica*). The mountain plover (*Charadrius montanus*) is proposed for listing. On February 22, 2002, the Corps initiated formal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act for the above species.

**Mitigation.** The UC proposes to compensate for the loss of wetlands and other waters of the United States through a combination of measures including habitat preservation, restoration and creation. The UC would preserve a minimum of 10 acres of vernal pool dominated grasslands for each acre of vernal pool dominated grasslands developed. Prior to applying for a permit, UC embarked on a program to secure large tracts of land supporting concentrations of vernal pools and related aquatic habitats in the vicinity of the proposed UC campus. The preservation of lands would be funded primarily through a \$30-million appropriation made by the California legislature. The total area of land that has been, or is currently in the process of being, secured is approximately 22,880 acres. The applicant's goal of both restoration and creation efforts would be to establish wetlands that are similar to the impacted wetlands at a ratio of 1:1. To the extent that the characteristics of the mitigation site(s) allow, wetland restoration and creation would be "in-kind". Where UC believes it may not be practical or desirable to establish certain types aquatic habitat types, they are proposing to construct out-of-kind wetland restoration and/or creation.

**Alternatives.** The applicant will be providing information for an evaluation of on-site and off-site alternatives pursuant to the 404(b)(1) Guidelines. Because the applicant's overall project purpose states that the UC will have an associated community, the Section 404(b)(1) analysis will include an evaluation of alternative means by which that community may be provided. The alternatives analysis will examine the practicability and relative environmental impacts of several alternatives, including Bellevue Ranch, Castle Airport, City of Merced in-fill, and various configurations on, and/or adjacent to, the Virginia Smith Trust land.

**Cultural Resources.** An archaeological survey of the proposed campus was conducted in June 2001. No prehistoric resources were identified. Two historic sites of interest were identified: an existing farmstead and a segment of existing barbed wire fence with iron farm machinery parts used as weights. Neither of these resources have been evaluated for eligibility for inclusion on the National Register of Historic Places. The project area may contain Native American burial sites. The UC has proposed mitigation measures to minimize potential impacts to these sites. To comply with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act, the Corps will review all archeological reports for the proposed UC site, the existing golf course and associated Infrastructure project (200100570) and consult with the State Historic Preservation Officer.

**Other Federal, State, and Local Permits.** The Regents of the University of California certified the Final Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA), for the Long Range Development Plan (LRDP) on January 17, 2002. In addition, the project will require: National Pollution Discharge Elimination System (NPDES) storm water management compliance, Section 401 water quality certification and compliance with California Fish and Game Codes.

**Consideration of Comments.** Interested parties are invited to submit written comments on the permit application on or before **April 12, 2002**. Scoping comments should be submitted within the next 60 days, but may be submitted at any time prior to publication of the Draft EIS.

**Public Scoping.** This public notice is being distributed to invite public participation in the scoping process for the preparation of an EIS under NEPA. This process is key to preparing a concise EIS and clarifying the significant issues to be analyzed in depth. Public concerns on issues, studies needed, alternatives to be examined, procedures and other related matters will be addressed during scoping. The Corps anticipates a "combined" EIS will be developed to address both the UC Merced project and the related Infrastructure project. The Corps plans to hold two public workshops to encourage participation in the scoping process for the EIS. The workshops will be held on April 18, 2002, at the Merced Civic Center, Sam Pipes Room, 678 W. 18th Street, Merced, California. The first session will be held from 3:00pm to 5:00pm, with the second to follow from 7:00pm to 9:00pm.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

If additional information is required, please contact Nancy Haley, (916) 557-7772 or email at [Nancy.A.Haley@usace.army.mil](mailto:Nancy.A.Haley@usace.army.mil). All Public Notices for the Sacramento District can be viewed on our website at <http://www.spk.usace.army.mil/cespk-co/regulatory>.

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Enclosures: 14 Drawings